

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO, LTD;
SAMSUNG ELECTRONICS AMERICA,
INC.; SAMSUNG SEMICONDUCTOR INC.,

Defendants.

Civil Action No. 2:22-cv-00293-JRG
(LEAD CASE)

JURY TRIAL DEMANDED

NETLIST, INC.,

Plaintiff,

v.

MICRON TECHNOLOGY, INC., MICRON
SEMICONDUCTOR PRODUCTS, INC., AND
MICRON TECHNOLOGY TEXAS LLC,

Defendants.

Civil Action No. 2:22-cv-00294-JRG

JURY TRIAL DEMANDED

**DECLARATION OF MICHAEL R. RUECKHEIM IN SUPPORT OF MICRON
DEFENDANTS' REPLY TO NETLIST'S OPPOSITION TO DEFENDANTS' DAUBERT
MOTION AND MOTION TO STRIKE EXPERT TESTIMONY OF MR. DAVID
KENNEDY (DKT NO. 360)**

I, Michael R. Rueckheim, declare as follows:

1. I am an attorney at the law firm of Winston & Strawn, LLP, counsel of record for Defendants' Micron Technology, Inc., Micron Semiconductor Products, Inc. and Micron Technology Texas LLC (Collectively "Micron") in the above-captioned action. I am a member in good standing of the State Bar of Texas. I provide this declaration in support of Micron's Reply to Netlist's Opposition to Micron's *Daubert* Motion and Motion to Strike Expert Testimony of Mr. David Kennedy. I have personal knowledge of the facts stated herein, and could and would testify completely thereto if called as a witness in this matter.

1. Attached as Exhibit 1 is a true and correct copy of the *Netlist, Inc., v. Micron Technologies, Inc. et. al.*, No. 2:22-cv-203-JRG (E.D. Tex.) Memorandum Order on Micron Technology, Inc.'s *Daubert* Motion and Motion to Strike Expert Testimony of Mr. David Kennedy dated January 27, 2024.

2. Attached as Exhibit 2 is a true and correct excerpted copy of the *Netlist, Inc., v. Micron Technologies, Inc. et. al.*, No. 2:22-cv-203-JRG (E.D. Tex.) Report & Recommendation on Micron's Motion for Summary Judgment of No Pre-Suit Damages dated January 11, 2024.

3. Attached as Exhibit 3 is a true and accurate copy of what was served for the current case *Netlist, Inc., v. Micron Technologies, Inc. et. al.*, No. 2:22-cv-294-JRG (E.D. Tex.), Report of Dr. Andreas Groehn dated November 20, 2023.

I declare under penalty of perjury under laws of the United States of America that the foregoing is true and correct.

Executed on February 7, 2024.

/s/Michael R. Rueckheim

Michael R. Rueckheim